



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

Meredith G. Kelley, Esq.
Williams & Jensen, PLLC
1155 21st Street, Northwest
Suite 300
Washington, DC 20036-3308

SEP 11 2007

RE: MUR 5786
The Big Tent PAC and Sylvia
Nolde, in her official
capacity as treasurer

Dear Ms Kelley:

On August 1, 2007, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B)

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Cameron Thurber".

J Cameron Thurber
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Big Tent PAC and Sylvia Nolde, in her)
official capacity as treasurer) MUR 5786
)
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Federal Election Commission ("Commission") found reason to believe that the Big Tent PAC and Sylvia Nolde, in her official capacity as treasurer ("Respondents" or the "Committee") violated 2 U.S.C. § 434(a)(4)(A).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III Respondents enter voluntarily into this agreement with the Commission

IV. The pertinent facts in this matter are as follows.

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1 1 The Committee is a "political committee" within the meaning of 2 U.S.C.
2 § 431(4), and is an "unauthorized committee" within the meaning of 11 C.F.R. § 100.5(f)(2).

3 2. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires
4 that political committees file reports of receipts and disbursements in accordance with 2 U.S.C.
5 § 434(a). In an election year, political committees other than authorized committees of a
6 candidate that file quarterly reports shall file them no later than the 15th day after the last day of
7 each calendar quarter, and shall file a post-general report no later than 30 days after the general
8 election. 2 U.S.C. § 434(a)(4)(A)(i). In non-election years, such political committees file a Mid-
9 Year Report and a Year-End Report. 2 U.S.C. § 434(a)(4)(A). Furthermore, the Act requires
10 that political committees required to file reports with the Commission must electronically file
11 their reports if they have received contributions or have reason to expect to receive contributions
12 aggregating in excess of \$50,000 in any calendar year or if the political committees have made
13 expenditures aggregating in excess of \$50,000 in any calendar year. 11 C.F.R. § 104.18(a)(1)(i)
14 and (ii). A report that is filed on paper that should have been filed electronically does not satisfy
15 a committee's filing obligations. 11 C.F.R. § 104.18(a)(2).

16 3. On February 3, 2004, the Committee submitted its 2003 Year-End Report on
17 paper, disclosing \$94,000 in receipts and \$46,854 in disbursements. With this report, the
18 Committee exceeded the threshold for mandatory electronic filing. The Reports Analysis
19 Division ("RAD") sent a "Failure to File an Original Report in Electronic Format" (MS-P) on
20 February 4, 2004, notifying the Committee that the reporting requirement could only be satisfied
21 via an electronic filing.

22 4. A representative from the Committee called RAD on February 20, 2004 in
23 response to the MS-P notice to find out why the Committee would have to file electronically. A

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1 RAD analyst explained that the Committee had passed the \$50,000 threshold for mandatory
2 electronic filing with the activity disclosed on its 2003 Year-End Report. Nonetheless, the
3 Committee did not electronically resubmit its 2003 Year-End Report, and RAD sent the
4 Committee a notice of Failure to File a Report (RQ-7) for failure to file that report. Thereafter,
5 the Committee submitted several additional reports on paper that it was required to file
6 electronically.

7 5 The Commission continued to send MS-P and RQ-7 notices to the Committee
8 stating that it had to file its reports electronically. Specifically, the Committee failed to
9 electronically file the following reports: 2003 Year-End, 2004 April Quarterly, 2004 July
10 Quarterly, 2004 October Quarterly, 2004 30 Day Post-General, 2004 Year-End, and 2005 Mid-
11 Year Reports ¹ On September 7, 2005, a RAD analyst contacted the Committee, and the
12 following day a Committee representative contacted RAD. An analyst again advised that the
13 Committee met the \$50,000 threshold for mandatory electronic filing as of its 2003 Year-End
14 Report. The analyst further informed the representative that the Committee must electronically
15 file all reports from the 2003 Year-End onward, and also gave him instructions regarding filing
16 an Amended Statement of Organization to update the address.

17 6. On October 14, 2005, the Committee electronically filed its next report due, its
18 2005 October Quarterly On November 3, 2005, 598 days late, it electronically filed the 2004
19 April Quarterly report, which it had previously failed to submit to the Commission, either
20 electronically or on paper The other delinquent reports were not filed electronically until August
21 2006

¹ Seven of the paper reports were required filings The Committee filed one extraneous paper report, an April 2005 Quarterly Report The Committee is a quarterly filer and only needed to file a Mid-Year Report (01/01/05-6/30/05) during a non-election year

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V. Respondents failed to file reports in violation of 2 U.S.C. § 434(a)(4)(A).
Respondents will cease and desist from violating 2 U.S.C. § 434(a)(4)(A).

VI. Respondents contend that the treasurer, Sylvia Nolde, was the primary caretaker for her elderly mother who was in the late stages of Alzheimer's disease between May 23, 2003 and April 13, 2006, and regrets that she did not adequately perform her duties as treasurer of the Big Tent PAC during that period.

VII Respondents will pay a civil penalty to the Federal Election Commission in the amount of Fifteen Thousand Dollars (\$15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

XI This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or


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oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Thomasenia P Duncan
General Counsel

BY


Ann Marie Terzaken
Acting Associate General Counsel
For Enforcement

8/29/07
Date

FOR THE RESPONDENTS

Sylvia Molde Treasurer
(Name)
(Position)

7/24/07
Date

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